



Agenda Date: 8/16/06
Agenda Item: 5A-1

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

WATER

IN THE MATTER OF THE JOINT PETITION OF
NEW JERSEY AMERICAN WATER COMPANY,
INC., ELIZABETHTOWN WATER COMPANY,)
AND THE MOUNT HOLLY COMPANY FOR
APPROVAL OF THE MERGER OF)
ELIZABETHTOWN WATER COMPANY AND)
THE MOUNT HOLLY WATER COMPANY INTO)
NEW JERSEY AMERICAN WATER COMPANY)
AND FOR RELATED AUTHORIZATIONS

ORDER ON MOTION
FOR INTERVENTION

DOCKET NO. WM06030253

(SERVICE LIST ATTACHED)

BY THE BOARD:

By Motion dated June 16, 2006, Cogen Technologies Linden Venture, L.P. (Cogen) moved, pursuant to N.J.A.C.1:1-16.1, for an order granting it intervention in this proceeding (Cogen Motion) which involves the proposed merger of New Jersey-American Water Company Inc., Elizabethtown Water Company (EWC), and the Mount Holly Water Company (collectively Joint Petitioners). In its motion, Cogen describes itself as the "developer and owner of the Cogen Linden Cogeneration Facility..., an approximately 900 megawatt qualifying cogeneration facility ..." located on the site of the ConocoPhillips complex in Linden New Jersey, within EWC's service territory. Cogen Motion, at 1-2. Cogen states that it purchases water from EWC in connection with operation of its Facility pursuant to EWC's rate Schedule No. 7, Optional Industrial Wholesale (OIW). Id. at 2. According to Cogen, recent annual billings from EWC are in excess of \$2.5 million, making Cogen one of EWC's largest industrial customers. Id.

In support of its motion for intervention, Cogen asserts that issues may be raised in this proceeding that "directly and specifically affect Cogen. Id. It also argues that as a large volume purchaser under Rate Schedule OIW, its interests are "clearly distinct from other customers of EWC" and not represented by any other party to this proceeding. Id.

Joint Petitioners have filed no response to Cogen's motion for intervention. The motion is, therefore, unopposed.

N.J.A.C. 1:1-16.1 sets forth the standard governing intervention. N.J.A.C. 1:1-16.1 (a) provides : "[a]ny person or entity not initially a party, who has a statutory right to intervene or who will be


substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene." In determining whether to grant a motion for intervention, N.J.A.C. 17:27-16.3 (a) requires the Board to consider the following:

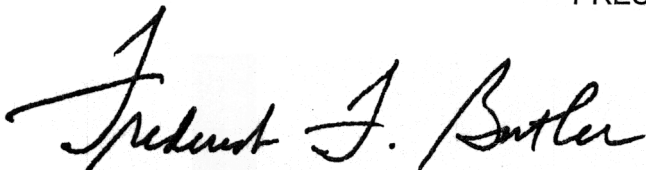
1. the nature and extent of the movant's interest in the outcome of the case;
2. whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. the prospect for confusion and delay arising from the movant's inclusion, and;
4. other appropriate matters.


Applying the standard for intervention set forth above, the Board **FINDS** that Cogen, as one of EWC's largest industrial purchasers has demonstrated an interest sufficiently different from that of any other party to this proceeding, such that its intervention will add measurably and constructively to the scope of the case. The Board further **FINDS** that no confusion or delay will arise from Cogen's inclusion at this juncture of the case. Consequently, based on the foregoing, and in the absence of any opposition, the Board **HEREBY GRANTS** Cogen's motion for intervention in this matter.

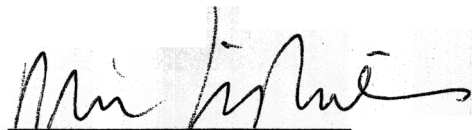
DATED: 8/18/06

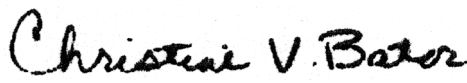
BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

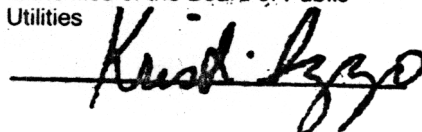

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



IN THE MATTER OF THE JOINT PETITION OF NEW JERSEY-AMERICAN WATER
COMPANY, INC. ELIZABETHTOWN WATER COMPANY, AND THE MOUNT HOLLY
WATER COMPANY FOR APPROVAL OF THE MERGER OF ELIZABETHTOWN WATER
COMPANY AND MOUNT HOLLY WATER COMPANY INTO NEW JERSEY-AMERICAN
WATER COMPANY AND FOR RELATED AUTHORIZATIONS.

DOCKET NO. WM06030253

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